

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 8, 2003

ALL-COUNTY INFORMATION NOTICE NO. I-18-03

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL FOOD STAMP COORDINATORS

SUBJECT: SUMMARY OF PROGRAM/POLICY CHANGES IN THE
FOOD STAMP PROGRAM SINCE 1997

REFERENCE: ALL-COUNTY LETTERS ISSUED 1997-2002
ALL-COUNTY INFORMATION NOTICES ISSUED 1997-2002

The California Department of Social Services Food Stamp Branch Policy Bureau is committed to assisting counties in their efforts to maintain payment error rates at the lowest possible levels. The Policy Bureau also acknowledges that legislative amendments and program/policy changes contribute to challenges faced by counties with regard to payment error reduction. In order to assist counties in their efforts to adhere to Food Stamp Program changes, this notice transmits two documents summarizing specified All-County Letters and All-County Information Notices issued during the previous six years.

- ATTACHMENT I – CDSS All-County Letters (ACLs) Issued 1997-2002 relating to Food Stamp Program/Policy Changes
- ATTACHMENT II – CDSS All-County Information Notices (ACINs) Issued 1997-2002 relating to Food Stamp Program/Policy Changes

The purpose of the attached information is to provide County Welfare Directors and Food Stamp Coordinators with handy reference guides/timelines outlining significant program and policy changes occurring since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. If you have any comments or questions regarding this letter, please contact Ms. Varaniece Hall, CDSS Food Stamp Policy Implementation Unit Manager, at (916) 657-3500.

Sincerely,

Original document signed by

F. PATRICK SUTHERLAND, Acting Chief
Food Stamp Branch

Attachments

ATTACHMENT I – ACLs Issued 1997-2002

Food Stamp Program/Policy Changes

February 19, 1997

ACL 97-08 related to implementation of the Able-Bodied Adults Without Dependents (ABAWD) work requirements and food stamp sanction instructions.

- Enclosure I: emergency ABAWD regulations effective February 1, 1997
- Enclosure II: questions/responses regarding ABAWD work requirements, workfare assignments, and revised regulations
- Enclosure III: revised Notice of Disqualification (DFA 377.10) and Notice of Discontinuance (DFA 377.11)

March 11, 1997

ACL 97-13 informed County Welfare Departments (CWDs) about a revision to the Food Stamp Program budget worksheets as a result of a mandated change in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. This change required the computation of the homeless shelter deduction as part of a deduction from income, instead of an "Allowable Shelter Cost."

- DFA 285B: homeless shelter deduction moved from "Shelter Deduction" to "Standard/Dependent Care/Homeless Shelter/Deduction"
- DFA 285D: homeless shelter deduction moved from "Shelter Deduction" to "Standard/Dependent Care/Medical/Homeless Shelter Deductions"

March 13, 1997

ACL 97-16 advised CWDs that the California Department of Social Services (CDSS) requested a waiver from the USDA for work requirements for ABAWD recipients in counties with an unemployment rate over 10%. While CDSS awaited approval of the waiver, counties were advised:

- Do not deny eligibility to those who fail to satisfy the ABAWD work requirements for three or more months
- Applicable cases should be flagged for discontinuance in the event the waiver request is not approved
- Applicable cases should be flagged for restoration of benefits to those denied food stamp eligibility in the event the waiver request is approved

April 16, 1997

ACL 97-23 informed CWDs that the USDA approved the ABAWD work requirement waiver in 42 counties in California, and portions of 11 other counties in California. The waiver provided counties with additional time to inform the impacted population and to develop activities which would enable individuals to meet the work requirements in counties that either had an unemployment rate over 10% or were deemed "Labor Surplus Area."

- Attachment I: specified which counties in California were granted a full waiver, partial waiver, or no waiver
- Attachment II: specified which areas had been designated as "Labor Surplus Areas"
- Attachment III: provided implementation instructions regarding which action each county should take after determining whether to implement the ABAWD work provisions or to accept the waiver

May 6, 1997

ACL 97-32 provided notice of the cash aid Cost-of-Living-Adjustment (COLA) for AFDC, Refugee Cash Assistance, Entrant Cash Assistance, and Food Stamps. The COLA affected only the Minimum Basic Standard of Adequate Care (MBSAC) and the derivative tables (In-Kind Income and 185% of MBSAC).

- MBSAC values – increased by 2.6% effective July 1, 1997
- AFDC COLA supplemental payments could reduce food stamp benefits

May 21, 1997

ACL 97-35 provided additional information regarding the ABAWD food stamp work requirement waivers.

- Attachment I – specified waiver “end” dates for each county as shown

June 4, 1997

ACL 97-36 transmitted revised Food Stamp Program regulations regarding the calculation of shelter and utility deductions, effective July 1, 1997.

- Methodology for determining shelter/utility deductions is now focused on who in the household contributes, not whether members have income
- Existing Utility Decision Chart moved/renumbered in regulations and revised to determine utility deduction in shared residence situations
- New Utility decision chart was adopted providing aid to counties in calculating deductions in various situations
- Conversion of affected cases would occur at household request, or when action was taken on the case, or at recertification, whichever occurs first
- All conversions must be completed by June 30, 1998

July 21, 1997

ACL 97-41 provided CWDs with proposed emergency regulations expected to become effective September 1, 1997. The regulations implement the second phase of PRWORA. The major provisions affected these areas:

- Household Concept – permanently excludes individuals convicted of felony drug possession, use, or distribution
- Work Exemption Requirements – a sanction shall end when an individual under sanction qualifies for specific work registration exemptions
- Resource Determinations – fair market value exclusion limit for vehicles changed to \$4,650 effective October 1, 1996
- Income, Exclusions, and Deductions – homeless shelter deduction will now be a direct deduction from income, instead of allowable shelter cost
- Determining Household Eligibility and Benefit Levels – exclude individuals convicted of felony drug possession, use, or distribution
- Household Certification and Continuing Eligibility – certification periods amended for Public Assistance, nonassistance, and elderly/disabled
- Claims Against Households – overissuances can now be collected by reducing future month benefits, withholding unemployment compensation, recovering federal pay or income tax refunds, or any other cost effective means; collection measures apply to Intentional Program Violations (IPV), Inadvertent Household Errors (IHE), and Administrative Errors (AE)
- Tables of Coupon Issuance – maximum excess shelter deduction and homeless shelter deduction increased

August 18, 1997

ACL 97-45 reminded CWDs that ABAWD waivers (announced in ACL 97-08) would expire August 31, 1997 for specified counties. In areas where the waiver expires, CWDs must begin tracking ABAWD and discontinue those who do not meet the work requirement.

- Attachment I: chart of California counties indicating end date of waivers
- Attachment II: draft description of self-initiated workfare program submitted to USDA

September 3, 1997

ACL 97-50 provided CWDs with initial information and implementation instructions for the California Food Assistance Program (CFAP) for Legal Immigrants. Effective September 1, 1997, any individual, if determined

ineligible effective August 31, 1997, for federal food stamp benefits solely due to his/her immigration status under PRWORA, shall be determined eligible for state-funded food stamp benefits. The information provided to CWDs in this ACL included, but was not limited to, the following issues:

- Eligibility Determination and Benefit Levels
- Treatment of Continuing Cases
- Applicant Criteria
- Federal Quality Control
- Flagging Existing Case Records

September 4, 1997

ACL 97-51 informed CWDs of the correct method of calculating time eligibility for a certain group of Kurdish and Iraqi evacuees. Unlike refugees, where time eligibility is calculated from the date they entered the country, time eligibility for Kurds and Iraqis is calculated from the date asylum was granted. This could allow several additional months of time eligibility.

- Persons granted asylum – eligible for refugee program benefits and assistance as specified

September 5, 1997

ACL 97-52 advised CWDs of Public Law 104-204 dated September 26, 1996, requiring that payments to children (of Vietnam veterans) born with spina bifida be excluded from income and resources in determining Food Stamp and AFDC Program eligibility.

September 8, 1997

ACL 97-53 provided CWDs with information regarding:

- Revised food stamp regulations for determining eligibility of noncitizens – revisions implemented Phase II of PRWORA; Food Stamp Manual Section (M.S.) 63-405 is now to be used to determine eligibility of all noncitizens, both applicants and recipients
- Forms revisions that ACL 97-41 indicated would be sent in the near future
- Administrative Error Notice of Action changes related to the decision in Aktar v. Anderson which lifted the ban on collection of food stamp overissuances by involuntary means (e.g., tax intercept, wage garnishment)

October 20, 1997

ACL 97-60 transmitted to CWDs final information on the status of Federal Fiscal Year 1998 Food Stamp Program Cost-of-Living Adjustments (COLAs).

- Maximum Allotment for all household sizes – as specified
- Standard Deduction, Shelter Deduction, Homeless Household Shelter Allowance – unchanged
- Income Eligibility Standard – shown on Attachment I
- Standard Utility Allowance (SUA) – adjusted to \$155

December 15, 1997

ACL 97-78 advised CWDs of the Qualifying Quarters Earnings (\$700), and the Social Security Cost-of-Living Adjustment (COLA) effective December 1, 1997, payable January 1998. Social Security recipients will receive a 2.1% COLA, which could affect cash assistance grants, food stamp allotments, AFDC/Foster Care, Refugee Cash Assistance, and Entrant Cash Assistance cases.

- Monthly Reporting Cases – Social Security COLA must be reported on the January 1998 CA 7, due in February 1998, and retrospectively budgeted to determine grant/allotment amounts for March 1998; increase must be considered prospectively when determining income eligibility for the month of January

- Non-Monthly Reporting Cases – CWDs must automatically adjust benefits to reflect the Social Security COLA no later than the second allotment issued after the month in which the change becomes effective
- New Applicants – the actual amount of the Social Security benefit, including the increase, shall be used for prospective eligibility/budgeting for the month of January 1998

December 29, 1997

ACL 97-81 provided reporting instructions to CWDs and Special Investigative Units (SIUs) on the Fraud Investigation Activity Report (amended because of implementation of CFAP).

- FNS 366B – no CFAP data to be reported on this form
- DPA 266 – State-only food stamp cases to be reported in Column 5

December 31, 1997

ACL 97-84 provided CWDs with a more precise benefit calculation methodology for CFAP combined households (federal food stamp program members and state-funded CFAP members). Methodology is as follows:

- Step 1 – calculate benefits for entire household as if all members were eligible for federal benefits
- Step 2 – calculate benefits for the members of the household eligible for federal benefits
- Step 3 – subtract benefits calculated in Step 2 from those in Step 1; the difference is the state-only cost

January 5, 1998

ACL 98-02 instructed County Welfare Departments (CWDs) regarding the determination of compliance with ABAWD work requirements following expiration of ABAWD waivers. This ACL provided clarification to an ACL transmitted November 17, 1997 and applied to all counties where the ABAWD work requirement had been waived.

- ABAWD – Effective November 6, 1997, food stamps received beyond the three-month limit (of an individual being found ineligible due to failure to meet the ABAWD work rule) shall not be treated as an overissuance, unless other food stamp requirements are violated.

March 23, 1998

ACL 98-21 transmitted responses to frequently asked questions raised by counties regarding the sanctions for noncompliance of ABAWD work requirements and voluntary quit regulations effective August 1997.

- Modifications to ABAWD regulations – ACL summarized changes that took effect November 6, 1997
- Notices of Action (NOAs) and food stamp denial messages – revised for ABAWD applying for food stamps prior to regaining eligibility

July 22, 1998

ACL 98-54 provided instructions to counties regarding reporting revisions for the California Food Assistance Program (CFAP).

- Food stamp overissuances – reporting forms attached to ACL
- Food stamp coupon values – counties were reminded to report actual federal (and actual state) food stamp coupon values issued effective with the March 1998 report

September 1, 1998

ACL 98-66 advised counties regarding AB 2779 which expanded the CFAP for certain legal noncitizens. The initial CFAP covered individuals 65 years of age or older and minors under 18 years of age who were legal resident noncitizens of the U.S.

- Immigration status – age restriction for eligibility was removed if the person’s immigration status met the eligibility criteria of the federal food stamp program on August 21, 1996, but he/she was not eligible solely due to immigration status under PRWORA
- Individuals 65 years of age or older or under 18 – CFAP population had their federal food stamp eligibility reinstated effective November 1, 1998

September 10, 1998

ACL 98-68 advised counties as to the changes in the Maximum Aid Payment (MAP) for cash aid recipients, effective November 1, 1998. The increase in MAP was due to restoration of the statewide 4.9% grant cuts, and for providing an annual COLA; this year’s COLA increases the MAP by 2.84%.

- MAP and COLA – Cash aid to recipients increased approximately 8% (depending on county)

September 25, 1998

ACL 98-76 provided instructions for CWDs regarding the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA) and its food stamp eligibility provisions. Additionally, information was provided regarding CFAP work requirements for migrant/seasonal farmworker households, CFAP reporting requirements, and the Cash Assistance Program for Immigrants (CAPI).

- Disabled noncitizens, elderly noncitizens, and noncitizen children – AREERA restored food stamp eligibility for those legally residing in the U.S. on August 22, 1996
- Refugees, Asylees, and Cuban/Haitian entrants – AREERA extended food stamp eligibility from five to seven years
- Hmong/Laothian Tribal Members – provided food stamp eligibility for those personnel who aided U.S. during the Vietnam War and who are lawfully residing in the U.S.; eligibility included spouses, widows and unmarried dependent children
- Cross Border Native American – restored food stamp eligibility; this provision was intended to cover Native Americans who are entitled to cross the U.S. border into Canada or Mexico
- Migrant/Seasonal Farmworkers – may now be eligible for CFAP benefits if they have been determined eligible for unemployment compensation, or if their county of residence determines that the appropriate amount of migrant/seasonal farm work is not available
- CAPI – certain noncitizens will become eligible for food stamps beginning on November 1, 1998, with the implementation of AREERA provisions which reinstate federal food stamp eligibility for certain aged and disabled noncitizens

October 5, 1998

ACL 98-78 transmitted to CWDs final information on the Federal Fiscal Year 1999 Food Stamp Program Cost-of-Living Adjustments (COLAs).

- Maximum Allotment – adjusted per cost of the Thrifty Food Plan
- Standard Deduction and Homeless Household Shelter Allowance – remained the same
- Shelter Deduction – changed
- Income Eligibility Standards – shown on charts for “Net and Gross Monthly Income Eligibility Standards” and “Gross Monthly Income Eligibility Standards for Households Where Elderly/Disabled Are a Separate Household”
- Standard Utility Allowance (SUA) – increased to \$158 and must be applied to allotments for October, based on August information for retrospectively budgeted cases

September 9, 1999

ACL 99-64 provided counties with the Noncitizen Reference Guide designed to identify legal noncitizens. The guide helps determine federal or CFAP eligibility, and streamlines budgeting actions for households containing noncitizen members.

- Noncitizen Reference Guide – does not supersede the Systematic Alien Verification for Entitlements (SAVE) system requirements, and should be used in tandem with program regulations

September 27, 1999

ACL 99-71 instructed counties as to the final information on the COLAs for Federal Fiscal Year 2000.

- Maximum allotment – adjusted per the cost of the Thrifty Food Plan
- Standard Deduction, shelter deduction, and homeless household shelter allowance – remained the same
- Standard Utility Allowance (SUA) – increased to \$163
- Income Eligibility Standards – increased per enclosures (Net and Gross Monthly Income Eligibility Standards and Gross Monthly Income Eligibility Standards for Household Where Elderly/Disabled Are a Separate Household)

October 1, 1999

ACL 99-78 provided CWDs with implementation instructions for the expanded CFAP for legal noncitizens.

- Eligibility Determination – Battered noncitizens and Cuban/Haitian entrants now have eligible noncitizen status under CFAP (consult ACL and regulations for specific definitions and eligibility criteria)
- Benefits Levels – CWDs must continue to use existing budgeting procedures and benefit level calculations for CFAP households
- CFAP Work Requirements – Non-CalWORKs CFAP recipients must now meet federal food stamp requirement established for Able-Bodied Adults Without Dependents (ABAWD)

October 5, 1999

ACL 99-81 provided policy from the U.S.D.A. Food and Nutrition Services which expanded the application of Food Stamp Program categorical eligibility (CE). This ACL provided implementation instructions regarding the expanded policy.

- Categorical eligibility – certain households are already entitled to mandatory CE for food stamps, while other households may later be determined to be CE for food stamps at the state's option; the federal policy requires immediate action regarding households which are already entitled to mandatory CE

January 4, 2000

ACL 00-06 instructed counties as to exclusion of a vehicle as a resource when the vehicle is used to transport a physically disabled food stamp household member and/or CalWORKs excluded person.

- Exclusion of vehicle – federal policy change clarifies that the vehicle exclusion applies whether or not the disabled household member's resources are considered available to the household

January 5, 2000

ACL 00-07 provided information regarding CalWORKs and Food Stamp eligibility for battered noncitizens.

- Eligibility for CalWORKs and Food Stamps – Battered noncitizens are eligible as Permanently Residing Under Color of Law (PRUCOL) if they have specified Immigration and Naturalization Service (INS) documents or if they are “qualified aliens” and meet other requirements as outlined

February 22, 2000

ACL 00-15 outlined the revised work requirements for CFAP recipients who do not receive cash under CalWORKs.

- Non-CalWORKs CFAP recipients – must now satisfy ABAWD work requirements and are subject to sanctions and voluntary quit requirements

March 3, 2000

ACL 00-18 provided counties with information on the treatment of earnings for temporary census workers.

- Food stamp eligibility – earned income received by a food stamp household from temporary employment related to the 2000 Census will be exempt as income for program eligibility and benefit level determination purposes
- CalWORKs cash aid – earned income for temporary census workers cannot be exempt for CalWORKs cash aid purposes, but it will be eligible for all applicable earned income disregards

March 7, 2000

ACL 00-19 provided implementation instructions to CWDs on amended regulations for verifying shelter costs effective January 1, 2000.

- Shelter costs – counties have flexibility in choosing whether or not to verify shelter costs, but must continue to verify utility expenses when the household wishes to claim its actual utility expense in excess of the SUA, and to verify questionable items

April 13, 2000

ACL 00-26 informed counties of the FNS revised policy on the treatment of condominium fees. Previously, only fees identified as deductible household expenses (water, sewer, etc.) were allowed as shelter costs; fees for maintenance of the structure and grounds were not allowable shelter costs.

- Condominium/homeowner's association fees – entire fees can be claimed as shelter cost as of May 1, 2000

May 11, 2000

ACL 00-31 issued instructions for the implementation of the retroactive portion of the Anderson v. Saenz lawsuit. This lawsuit challenged the FNS policy of not excluding a vehicle as a resource when the vehicle is used to transport a physically disabled Food Stamp/CalWORKs household member who receives State Supplemental Income (SSI).

- Vehicle exclusion – FNS determined that a vehicle used to transport an ineligible household member IS to be excluded as a resource, even when the physically disabled household member's resources are not considered available to the household
- Claims for back benefits – potential class members have 60 days from June 1, 2000 to submit a claim for retroactive benefits if they had originally applied and were denied (or were discontinued from) food stamps and/or CalWORKs

July 7, 2000

ACL 00-43 advised CWDs of revised FNS regulations regarding vendor payments.

- Housing assistance paid directly to a vendor – excluded as income to a household
- Housing assistance paid directly to a household – counted as unearned income

September 11, 2000

ACL 00-63 instructed counties as to the final COLAs for Federal Fiscal Year 2001.

- Maximum Allotment – increased per Thrifty Food Plan
- Standard deduction and homeless household shelter allowance – remained the same
- Shelter deduction – increased

- SUA – increased to \$170 and must be applied to allotments for October based on August information for retrospectively-budgeted cases
- Income Eligibility standards – changed per chart of “Net and Gross Monthly Income Eligibility Standards” and chart of Gross Monthly Income Eligibility Standards for Households Where Elderly/Disabled Are a Separate Household”

February 1, 2001

ACL 11-01 transmitted implementing instructions to CWDs regarding the new maximum excess shelter deduction per the 2001 Agriculture Appropriations Bill (Public Law 106-387).

- Excess shelter deduction – increased from \$300 to \$340
- Implementation date – food stamp HHs with certification/recertification periods beginning before March 1, 2001, the new provision applies when the certification/recertification period begins March 1, 2001, or later
- Food stamp allotments – no changes were made to existing food stamp allotments or other deductions

February 8, 2001

ACL 11-01 was initially transmitted on February 1, 2001. Modifications were subsequently made to ACL 11-01, and the final version was sent on February 8, 2001. Language in the second paragraph of the letter clarified the effective date of the new excess shelter deduction. In addition, TEMP form 2192 was developed for use in informing those applicants and recipients impacted by this change.

- Excess shelter deduction implementation date – this provision of the 2001 Agriculture Appropriations Bill goes into effect March 2001, but does not apply to food stamp households with certification or recertification periods beginning before the effective date; CWDs must implement the \$340 maximum when the certification or recertification period begins March 1, 2001 or later

March 2, 2001

ACL 01-17 transmitted instructions to counties regarding the new Standard Utility Allowance (SUA).

- SUA of \$170 increased by 19.4% – new SUA amount of \$203 effective April 1, 2001

April 2, 2001

ACL 01-24 provided instructions for food stamp regulation changes relating to Noncitizen Eligibility and Certification Provisions (NECP) of PRWORA. The changes were effective June 1, 2001 for all new applicants, and must be made for current food stamp households no later than the next recertification. Counties would be held harmless from Quality Control (QC) errors for a period of 120 days from the effective date of these regulations.

- Vehicles – licensed or unlicensed vehicles with equity values of \$1,500 or less are not accessible resources; there are exclusions from the equity value test for one licensed vehicle per adult household member
- Sponsored Noncitizens – sponsorship support requirements were extended from three years to lifetime; sponsor's responsibility ends with any one of several occurrences as outlined
- Self-employment Expenses – households will now be entitled to a choice between claiming actual costs of producing self-employment income, or a standard deduction of 40% of gross earned income; recipients can change the method of deduction at recertification or every six months, whichever occurs first
- Interview Waivers – for households containing all elderly or disabled members with no earned income, the face-to-face interview shall be waived
- Shortening Certification Periods – counties cannot shorten a certification period, but must end a certification period by issuing an adverse Notice of Action; Notice of Expired Certification (NEC) cannot be used as a means of discontinuing a household from benefits
- Proration in the First Month of Recertification – when a client causes a delay in recertification, benefits will be prorated; when a county causes a delay in recertification, benefits will not be prorated

July 26, 2001

ACL 01-49 provided instructions for changes to food stamp regulations resulting from final federal rules on claims establishment, claims collection, and other amended provisions.

- Overissuance claims calculation – may include amounts up to six years before the date of discovery of the overissuance
- Intentional Program Violations (IPV) – will be calculated beginning with the month of the first occurrence
- Earned Income Deduction – shall not be applied to IPV or Inadvertent Household Errors (IHE)

August 27, 2001

ACL 01-56 instructed counties as to the Cost-of-Living Adjustments (COLAs) for Federal Fiscal Year 2002. The COLAs became effective October 1, 2001. Counties were instructed to restore any lost benefits to recipients as soon as administratively feasible, but no later than with the issuance of the December 2001 allotment.

- Maximum Allotment – increased to reflect changes in the cost of the Thrifty Food Plan
- Standard deduction and homeless household shelter allowance – remained the same
- Excess shelter expense deduction – changed
- Standard Utility Allowance (SUA) – changed
- Income Eligibility Standards – changed

January 22, 2002

ACL 02-07 transmitted revised calculation guidelines to implement a Simplified Food Stamp Program (SFSP) and the Welfare to Work (WTW) Experience (WEX) and unpaid Community Service Hours.

- Worksheet – attached to ACL; revisions included changing the grant/allotment month to be used in the SFSP calculation when determining the maximum number of hours adults in CalWORKs may participate in unpaid work experience and unpaid community service activities
- U.S. Department of Labor WTW Grant program – revised calculations incorporated paid community service and paid WEX as allowable work participation activities for post 18-month or 24-month time limit recipients

January 23, 2002

ACL 02-06 transmitted the new simplified food stamp application form and implementing instructions.

- Workgroup including state, county, and advocate community representatives – developed the new format designed to be less error prone and increase client/worker interaction

February 8, 2002

An ERRATA was issued relating to ACL 01-49 and the Lomeli v. Saenz case.

- Page two, paragraph two, first sentence – incorrectly cited MPP Section 63-601.33 instead of MPP Section 63-801.33 regarding establishing recipient claims involving the trafficking of benefits
- Page two, paragraph two, last sentence – should read “Trafficking of benefits claims must be established by the end of the quarter following the quarter in which the offense was discovered (not occurred) and for the value of the benefits trafficked”

February 13, 2002

ACL 02-17 provided initial information and implementation instructions for the Noncitizen Eligibility Certification Provisions (NECP). The new provisions would become effective March 1, 2002 for all new applicants. Implementation for ongoing food stamp households is no later than next recertification following March 1, 2002.

- Interviews – no households required to report for in-office interviews during certification period, though the CWS may request an interview; households would still have requirement of annual face-to-face interview
- Request for information – the CWD would be required to issue a notice to recipient households requesting they provide verification or clarification of household circumstances that are unclear prior to issuing a notice of termination
- Indigent noncitizen – the total of the actual income received from a sponsor and others and the value of any in-kind income could not exceed 130% of poverty limit for the family's size
- Reporting Indigence to the Attorney General – CWDs must report each indigent to the Attorney General, as well as inform the sponsored noncitizen that they will be reporting their name and their sponsor's name to the Attorney General

February 25, 2002

ACL 02-22 transmitted regulation changes to the California Food Assistance Program (CFAP) provisions.

- Sunset date (September 30, 2001) – eliminated for certain legal noncitizens that entered the U.S. on or after August 22, 1996
- Eligibility determination – new regulations effective October 1, 2002 streamlined eligibility determination by making certain legal noncitizens eligible for CFAP regardless of entry date to the U.S.

July 22, 2002

ACL 02-55 instructed CWDs regarding two policy changes in the Food Stamp Program (FSP).

- Standard Utility Allowance (SUA) – Effective October 1, 2002 counties would not be required to prorate the SUA if the persons sharing the utility expense with the food stamp household were excluded because they are ineligible and the household is eligible for and elects the SUA; the full SUA would be allowed
- Internal Revenue Service – Federal Payment Levy Program began offsetting Social Security Administration benefits (SSA, not SSI) to collect claims for unpaid federal taxes, effective February 2002, treating the offset amount intercepted the same way it treats income recouped by other programs; the recouped amount counts as income in the food stamp budget

August 13, 2002

CDSS issued an Errata concerning ACL 02-55.

- SUA allowance error – Example 6b of ACL 02-55 incorrectly allowed the full SUA when two separate households were sharing the utility expense; the unrelated adult person was purchasing and preparing food separately and also sharing utilities with the food stamp household; the SUA should have been divided by the two households (eligible food stamp household and unrelated adult person household) and half of the SUA allowed in the food stamp budget

August 28, 2002

ACL 02-62 advised as to the annual COLAs for Federal Fiscal Year 2003. The COLAs were effective October 1, 2002 and restoration of retroactive benefits must be completed no later than the December 2002 allotment issuance date.

- Maximum Allotments – changed
- Homeless household shelter allowance and standard deduction for households of four and under – remained the same
- Standard deduction for households of five and six and the shelter deduction – changed
- Standard Utility Allowance (SUA) – remained the same
- Income Eligibility Standards – changed

September 3, 2002

ACL 02-67 transmitted implementing instructions regarding changes to the Food Stamp Program as a result of the Food Stamp Reauthorization Act of 2002 (part of Farm Bill of 2002). The changes were effective October 1, 2002 with a 120 day quality control hold harmless period from the effective date.

- Restoration of Legal Noncitizens – federal benefits restored to three categories as specified
- Resource limit for households with disabled member – increased from \$2,000 to \$3,000 to match that of households with an elderly member
- New Standard Deduction Structure – Restructured from one amount for all families to 8.31% of each year's poverty level based on household size

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ATTACHMENT II – ACINs Issued 1997-2002

Food Stamp Program/Policy Changes

January 17, 1997

ACIN I-03-97 reiterated the requirement that County Welfare Departments (CWDs) implement all non-discretionary food stamp provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) no later than the end of the quality control harmless period (January 21, 1997).

- Failure to implement PRWORA – CWDs would be at risk of fiscal sanctions as the result of audit exceptions or quality control errors

February 6, 1997

ACIN I-05-97 transmitted revised food stamp forms to conform to PRWORA.

- DFA 285 A1 Application for Food Stamps, Part 1 – revised sections regarding expedited service, homeless provisions, and discrimination complaints
- DFA 285 A3 Important Facts for Food Stamp Applicants – revised sections regarding confidential records, lawful aliens, monthly reporting, work violations, voluntary quit, Standard Utility Allowance, and Penalty Warnings
- DFA 377.7A Notice of Administrative Disqualification – revised to reflect longer time periods and reasons for disqualification
- TEMP 2191 Addendum to Food Stamp Application – revised regarding felons in flight from the law, lawful aliens establishing 40 qualifying employment quarters, and noncitizen HH members

February 11, 1997

ACIN I-06-97 transmitted revised application and monthly status report forms.

- CA 7 Monthly Eligibility Report and SAWS 7 Monthly Eligibility/Status Report – forms designation changed from “Required Form – No Substitute” to “Required Form – Substitute Permitted” allowing CWDs more flexibility for variations in county systems/demographics
- CA 7 A How to Fill Out Your CA 7 and SAWS 7 – provides specific information on how to complete the CA 7 and SAWS 7
- SAWS 1 Application for Cash Aid, Food Stamps, Medi-Cal/State-Run County Medical Services Program (CMSP) – coversheet revised to eliminate narrative regarding homelessness as a basis for foods stamps expedited services

February 26, 1997

ACIN I-12-97 advised CWDs of the interception of state/federal income tax refunds to collect delinquent restitution of AFDC overpayments and food stamp overissuances.

- Title IV-E (Foster Care) claims are not to be submitted
- Food Stamp Administrative Errors are to be submitted (overissuances on/after October 1, 1996)

March 13, 1997

ACIN I-20-97 transmitted a copy of California’s Food Stamp Corrective Action Plan for State Original Error Rate (SOER) findings of quality control payment errors for Federal Fiscal Year 1995 (October 1994 to September 1995).

- Part I – overview of state level error reduction activities
- Part II – overview of county level error reduction efforts, and county error rate data for 33 largest counties

April 4, 1997

ACIN I-22-97 provided CWDs with the latest information regarding the injunction issued in the Aktar v. Anderson court case.

- Administrative error overissuances occurring prior to October 1, 1996 – should be flagged by CWDs for possible review at a later date
- Administrative error overissuances occurring on or after October 1, 1996 – CWDs should take necessary steps to initiate collections using all regulatory means available

April 29, 1997

ACIN I-27-97 transmitted the JA 2 Statement of Facts for Cash Aid and Food Stamps. The narrative and format parallel the SAWS 2. CWDs have the option of using either the JA 2 or the SAWS 2.

- Attachment A – information regarding implementation, translations, etc.
- Attachment B – a detailed outline of the changes made to JA 2

May 14, 1997

ACIN I-29-97 clarified the implementation instructions previously provided regarding the revised Food Stamp budget worksheets, DFA 285B and 285D.

- Homeless shelter costs – if verification is provided that actual costs are higher than homeless shelter deduction, CWDs may use the actual cost

June 3, 1997

ACIN I-34-97 transmitted California's Food Stamp Corrective Action Plan for State Original Error Rate (SOER) findings of quality control payment errors for Federal Fiscal Year 199 (October 1995 to September 1996).

- Part I – overview of state level error reduction activities
- Part II – overview of county level error reduction efforts, and discussion of county error rate data for 19 County Performance Sample counties

June 20, 1997

ACIN I-38-97 transmitted revised food stamp forms as follows:

- DFA 377.4 Food Stamp Notice of Change – can now be used when the Inadvertent Household Error (IHE) becomes an Intentional Program Violation (IPV) and is collected at a higher rate
- DFA 377.7F Food Stamp Repayment Notice For an IPV or Status Change from IHE – this notice is to be used when a claim is changed from an IHE to an IPV and causes a change to the total amount of the claim, the period of time covered, or recomputes the claim disallowing earned income deductions

July 21, 1997

ACIN I-43-97 transmitted the revised CA 8 Statement of Facts for Additional Person (Supplemental Application for Food Stamps and Request for Cash Aid).

- Parallels JA 2 Statement of Facts for Cash Aid and Food Stamps
- Replaces BC CA 8 Statement of Facts for Additional Person
- Eliminates need to complete CA 64 Statement of Citizenship/Alien Status

August 5, 1997

ACIN I-47-97 transmitted revised CA 61 Medical Report used for Medi-Cal, Food Stamps, and AFDC.

- CA 61 – question added regarding whether the patient's physical/mental incapacity prevents or substantially reduces his/her ability to provide necessary care for the child(ren) in the home

August 19, 1997

ACIN I-52-97 advised CWDs of recent legislation providing for a Food Stamp Assistance Program which will replace federal Food Stamp Program benefits to certain legal noncitizens. This ACIN provided general information regarding the program, and advised that specific instructions will be forthcoming.

- Non-disabled adults 65 years of age or older and minors under 18 years of age who are legal resident noncitizens of the United States will be impacted – individuals found ineligible for federal food stamps solely due to immigration status under PRWORA shall be eligible for state-funded food stamp benefits
- Individuals meeting criteria must have been legally present in the United States prior to August 22, 1996 and must satisfy all other exiting federal eligibility requirements
- All other ineligible noncitizen recipients' benefits must be terminated by August 31, 1997

September 10, 1997

ACIN I-55-97 transmitted revised Food Stamp Program forms reflecting PRWORA Phase II regulations:

- DFA 285 A2 Application for Food Stamps, Part 2 – revised as specified
- TEMP 2131 Addendum to Food Stamp Application – revised as specified

September 10, 1997

ACIN I-57-97 provided CWDs with questions/answers relating to implementation of PRWORA. Specific issues addressed were as follows:

- Refugees, asylees, and aliens whose deportation is being withheld
- Convicted drug felons and fleeing felons
- Income/Resources of individuals failing to satisfy the Able Bodied Adults Without Dependent Children (ABAWD) requirements
- Crediting quarters of coverage
- Noncitizen children of naturalized citizens
- Income of excluded household members (primarily ineligible legal noncitizens)
- Jointly earned income and public assistance

September 22, 1997

ACIN I-59-97 transmitted three food stamp program forms as follows:

- DFA 377.4A – used to change/terminate benefits due to ineligibility of household members solely because of their legal noncitizen status
- DFA 377.4A (SP) Notice of Action
- FS 18 – used to notify legal noncitizen household members found ineligible due to insufficient quarters of work history of their right to request a review of their work history by the Social Security Administration

October 17, 1997

ACIN I-64-97 reminded CWDs that discrepancies involving unverified Social Security Numbers (SSNs) should be resolved in a timely manner.

- CWDs must submit SSNs through the Income and Eligibility Verification Systems (IEVS)
- Food stamp benefits shall not be delayed to otherwise eligible HH because SSN has not been verified
- IEVS information considered questionable must be independently verified
- Overissuances, termination of household's participation, and criminal prosecution are specified

December 16, 1997

ACIN I-77-97 advised CWDs of disclosure requirements concerning applicants for immigration, and how they can make restitution or repay benefits that created a public debt, or repay benefits to which the applicant was not legally entitled. Legitimately received food stamp benefits do not need to be repaid, but benefits an individual was not entitled to are to be repaid.

July 22, 1998

ACIN I-39-98 transmitted the revised FS 9 Food Stamps Important Information form which included narrative regarding the Able-Bodied Adult Without Dependents (ABAWD) work rules. The Food Stamp work requirements are now set forth separately.

- TEMP 2133 Important Information for Food Stamp Recipients, Work Requirements – counties are no longer required to use this form since the required information now appears on FS 9 provided at application and recertification
- FS 9 clarification regarding Social Security Number (SSN) – anyone who refuses to give either SSN or proof of application for SSN will be disqualified from getting Food Stamps
- FS 9 clarification regarding Citizenship – revised to include “lawful noncitizen status” and “under the age of 18 and age 65 or over”
- FS 9 Misc. – Other formatting and language changes as specified

October 19, 1998

ACIN I-61-98 transmitted information and forms relating to CalWORKs, Food Stamps, and Medi-Cal/State-Run County Medical Services (CMSP) Programs. The following forms were revised and/or reformatted:

- CW 7 – Monthly Eligibility Report
- SAWS 7 – Monthly Eligibility/Status Report
- CW 7A – How to Fill Out Your CW 7 and SAWS 7
- CW 4 – Immediate Need Payment Request

February 11, 1999

ACIN I-13-99 transmitted emergency regulations effective February 1, 1999 previously transmitted to County Welfare Departments (CWDs) through ACL 98-66 and ACL 98-76. The (unchanged) instructions included:

- Legal Noncitizens – eligible for CFAP if not eligible for federal food stamps solely due to immigration status under PRWORA; legal noncitizens must otherwise be eligible for the federal food stamp program in effect on August 21, 1996; other provisions relating to sponsorship may make noncitizens eligible for benefits
- Other identified groups – specified benefits were extended to other adult noncitizens, children under 18 years of age, the blind and disabled, refugees, asylees, deportees, Cubans, Haitians and Amerasians from five to seven years of age, Hmong/Laoian tribes, and cross border Native Americans

March 4, 1999

ACIN I-20-99 advised CWDs of the treatment of disaster assistance payments subject to the Disaster Relief Act of 1974. This ACIN set forth the types of disaster assistance payments that cannot be considered as either income or resources when determining food stamp and CalWORKs eligibility and/or benefit levels.

- Winter Freeze of 1998 – The President issued a declaration of disaster for specified counties in California; payments to households relating to this disaster relief are excluded as resource and income for food stamp and CalWORKs eligibility and/or benefit level purposes

March 22, 1999

ACIN I-23-99 clarified the treatment of noncitizen applicants who were denied Supplemental Security Income/State Supplementary Payments (SSI/SSP) eligibility because they were potentially eligible for in-home supportive services (IHSS).

- Immigrant status requirements – defined in PRWORA; every noncitizen must meet requirements in order to be potentially eligible for SSI, food stamps, Temporary Assistance for Needy Families, CalWORKs, and full-scope Medi-Cal
- Qualified alien – this term is defined with specificity in this ACIN
- Deeming – this term is defined with specificity in this ACIN
- IHSS – a legal noncitizen not meeting the current SSI/SSP eligibility requirements, but who would have met them prior to enactment of federal reform law PL 104-193, shall continue to be eligible for IHSS

May 11, 1999

ACIN I-34-99 provided CWDs with questions/answers regarding food stamp policy according to the Employment and Eligibility Branch (EEB) bureau responsibilities.

- Food Stamp Bureau – questions/answers relating to adult noncitizens, noncitizen applicant children, child care costs, categorical eligibility, treatment of excluded household members in multiple income categories, and failure-to-comply rules for reduced/terminated benefits
- Employment Bureau – questions/answers relating to ABAWD eligibility and waivers, Welfare-to-Work (WTW) sanctions, and voluntary quit requirements

July 28, 1999

ACIN I-47-99 transmitted information and copies of revised forms. The revisions related to applicant choices for U.S. Citizen, National, Noncitizen, and “Sponsored” Noncitizen.

- SAWS 2 – Statement of Facts for Cash Aid, Food Stamps, and Medi-Cal/State-Run County Medical Services Programs (CMSP)
- CA 8 – Statement of Facts for an Additional Person
- DFA 285-A2 – Application for Food Stamps, Part 2

July 30, 1999

ACIN I-48-99 advised CWDs regarding the use of wholesale (or equivalent) value in determining a vehicle's fair market value (FMV).

- Internet Websites – Food and Nutrition Services (FNS) determined that most Internet websites may be used in lieu of paper blue books to determine the FMV of licensed vehicles
- National Automobile Dealers Association (NADA) websites – the NADA free website may not be used for vehicle valuation; the NADA fee-based electronic version of its print blue book may continue to be used

August 10, 1999

ACIN I-53-99 provided CWDs with advance notification of the expanded CFAP as amended by AB 1111, a budget trailer bill. Effective August 1, 1999, CFAP will include the following:

- Battered noncitizens not eligible for the federal Food Stamp Program
- Cuban/Haitian entrants no longer federally eligible under the 7 year time limit
- Noncitizens otherwise eligible, but who entered the U.S. on/after August 22, 1996
- CFAP recipients not receiving aid under CalWORKs, but meeting ABAWD requirements
- Limited deeming of a sponsor's income and resources

October 5, 1999

ACIN I-72-99 reminded CWDs to release Food Stamp and CalWORKs information to school districts in order to facilitate the direct certification of eligible children for free school meals provided under the National School Lunch Act.

- California Food Policy Advocates (CFPA) and the California Department of Education will be sending a letter and other useful information to CWDs which will encourage counties to increase direct certification of eligible children for free school meals

October 8, 1999

ACIN I-75-99 formally notified CWDs that the FNS eliminated the \$6,381,443 Food Stamp Program (FSP) penalty for California for Federal Fiscal Year 1998. FNS eliminated the state's liability primarily by making adjustments to recognize and account for the effects of high and increased proportions of earned income and noncitizen cases on the FSP error rates.

- Elimination of state's liability – the intended penalties to California would have represented a significant potential fiscal liability for the state and counties
- Ongoing efforts by CDSS and CWDs to achieve greater payment accuracy in the FSP – we must continue to stress the importance of maintaining program integrity

November 16, 1999

ACIN I-87-99 advised counties that they had the option to issue January 2000 benefits during the last week of December 1999 to allow additional time to resolve any potential Y2K problems.

- Y2K preparedness – Business Continuation Contingency Plans (BCCPs) were developed to ensure that benefit delivery systems would work effectively, but counties could elect to issue benefits early to alleviate concerns about Y2K internal or external technology failure
- Staggered issuance of benefits – if CWD issued food stamp benefits for January prior to December 31, 1999, no more than 40 days could elapse before February benefits were issued

December 10, 1999

ACIN I-95-99 advised CWDs of the Social Security Cost-of-Living Adjustment (COLA) effective December 1, 1999, payable January 2000.

- Social Security COLA 2.4% increase – affects cash assistance grants, food stamp allotments, eligibility for CalWORKs, Foster Care, Refugee Cash Assistance (RCA) and Entrant Cash Assistance (ECA) cases

January 4, 2000

ACIN I-01-00 provided CWDS with questions/answers relating to food stamp policy in the following specific areas:

- Income calculated when a household member has been sanctioned in another assistance program due to "failure to comply"
- Definition of "disabled" for purposes of the CFAP work requirements and for CFAP sponsors
- Pregnancy special needs payments for a noncitizen mother receiving CalWORKs (not food stamps due to alien status)
- ABAWD failing to meet the work requirement, being discontinued, and then regaining eligibility
- Intentional Program Violations (IPVs) that occurred prior to August 22, 1996
- Qualifying quarters needed from a non-household member who is not available or not willing to sign a release to obtain the quarters
- Determining legal noncitizen eligibility and threshold period
- California Assistance Program for Immigrants (CAPI) income

March 6, 2000

ACIN I-22-00 advised CWDs that the CDSS, FNS, IRS, State Controller's Office, and the Franchise Tax Board would again administer a federal and state Tax Intercept Program for Tax Year 2000. The program facilitates the collection of delinquent restitution of CalWORKs overpayments and food stamp overissuances.

- Tax Intercept Program – counties were reminded to not include Title IV-E (Foster Care) claims in the submission for tax intercept and to not include food stamp administrative errors which occurred prior to October 1, 1996

June 20, 2000

ACIN I-57-00 provided CWDs with a flyer to copy and include with CalWORKs discontinuance notices, or any other way the counties would like to use it.

- Continuing food stamp benefits flyer – helpful to families as they move toward self-sufficiency; low-income households may still be eligible for food stamps as they move from welfare to work

July 26, 2000

ACIN I-76-00 provided questions/answers raised by the Food Stamp Committee's Technical Review Team and other county staff regarding ABAWD and CFAP work requirements, and food stamp sanctions and voluntary quit.

- Questions/answers reflect ABAWD regulations effective February 1, 2000
- Questions/answers reflect CFAP policies issued via ACL October 1, 1999
- Non-assistance CFAP recipients are required to meet ABAWD work requirements, thus, many answers to ABAWD questions also apply to non-assistance CFAP recipients
- CFAP recipients receiving CalWORKs continue to be subject to WTW requirements

August 21, 2000

ACIN I-75-00 informed counties that implementation of a Simplified Food Stamp Program (SFSP) will allow counties to combine the amount of the food stamp allotment with the CalWORKs grant amount to determine the number of hours of participation in CalWORKs work experience and community service activities.

- SFSP – addresses concerns about the applicability of the Fair Labor Standards Act (FLSA) on CalWORKs unpaid work experience and community service activities
- Work requirements – 32/35 hour work requirements must still be met
- Food stamp eligibility factors – will remain the same under SFSP, with the exception of the work requirements
- Implementation date – not yet determined, but could be December 1, 2000

November 2, 2000

ACIN I-105-00 advised counties of the 3.5% Cost-of-Living Adjustment (COLA) to Social Security benefits effective December 1, 2000 (payable January 2001).

- Social Security COLA – may affect eligibility for CalWORKs, Foster Care, Refugee Cash Assistance (RCA), and Entrant Cash Assistance (ECA) cases
- Monthly reporting cases for CalWORKs, RCA, ECA, and food stamps – increase must be reported on the January 2001 CA 7 and also considered prospectively when determining income eligibility for the month of January
- Non-monthly food stamp reporting cases – CWDs are required to automatically adjust food stamp allotments to reflect the Social Security COLA no later than the second allotment issued after the month in which the change becomes effective for non-monthly reporting households
- New applicants for CalWORKs, RCA, ECA, and food stamps – the actual amount of the Social Security benefit (including the increase) shall be used for prospective eligibility and budgeting purposes for January

November 21, 2000

ACIN I-112-00 transmitted a guide of Food Stamp Program (FSP) error reduction “best practices.” The guide is an important component to California’s Corrective Action Plan (CAP) for Federal Fiscal Year 2000/2001, and is divided into eight categories:

- Casework tools – Food Stamp Automated Proration Module, and Case Control Log
- Client-caused errors – NAFS Intake Questionnaire/Customer Profile and Interview, DMV Clearance, and reporting responsibilities
- Earned Income – Food Stamp Earned Income Expedited Case Processing Project, reminder letters, SC 455 Income Control Calendar, and Simplification of Identifying 3rd and 5th pay checks
- Employee Awards – Quality Award Program
- Error Review Forums – Error Citation Workgroup, Preventive Action Committee, and Error Review Panel
- Noncitizens – CFAP Claiming Corrections, and Noncitizen Eligibility Determination
- Policy Education – Food Stamp Tec Team, Employment & Human Services Monthly Bulletin, Unit Quizzes, SAWS 7 Processing Guidelines
- Second Party Reviews – Quality Assurance, Preventative Action, Secondary Reviews/Coaching Plan, Alternate Supervisor Review, Secondary Review at Second Level of Management, Mini-Review, and Ad Hoc Reports

December 28, 2000

ACIN I-124-00 provided counties with questions/answers regarding Food Stamp Program policy in the following specific areas:

- Student Employment
- Timely Reporting and completing CA 7
- Vehicle Valuation
- Noncitizen Sponsorship
- Income Verification
- Standard Telephone Deduction
- Multiple Overissuances – Inadvertent Household Error (IHE), Intentional Program Violation (IPV), and Administrative Error (AE)

February 15, 2001

ACIN I-13-01 provided counties with questions/answers regarding Food Stamp Program policy in the following specific areas:

- Failure to Comply Sanctions
- Drug Felony Exclusion
- Income relating to gifts, reporting an infrequent cash gift
- Non-recurring lump-sum payments
- Same sex marriages in household composition
- Counting quarters for CFAP and CalWORKs

March 1, 2001

ACIN I-15-01 transmitted revised forms and Notices of Action regarding the food stamp program. The forms/notices more accurately reflect current policy governing ABAWD/CFAP work requirements.

- SAWS 2A – updated to include description of ABAWD work requirement and clearly distinguish between public assistance and non-assistance food stamp work requirements and penalties
- DFA 285-A3 – revised to remove CFAP work requirement language because it now explains the ABAWD requirement, and a separate section is no longer needed; also avoids confusion about when a client may submit evidence showing food stamps should not have been discontinued because of meeting (or being exempt from) the work requirement

- DFA 377.11A – Food Stamp Notice of Discontinuance, 1st Failure to Meet ABAWD Work Requirement
- DFA 377.11B – Food Stamp Notice of Discontinuance, 2nd or Subsequent Discontinuance for Failure to Meet ABAWD Work Requirement
- NA 994 – Food Stamp Notice of Discontinuance, Failure to Meet Non-Assistance CFAP Work Requirement (violation prior to three-consecutive-month grace period)
- NA 996 – Food Stamp Notice of Discontinuance, Failure to Meet Non-Assistance CFAP Work Rule (violation after receipt of three-consecutive-month-grace period)

May 3, 2001

ACIN I-31-01 provided counties with revised average monthly figures for the 15% ABAWD food stamp work requirement exemptions for Federal Fiscal Year 2001. CWDs were encouraged to utilize the exemption criteria identified in their FSET plan, and to develop additional exemption criteria in their upcoming FSET plan.

- Food Stamp Sanctions for Voluntary Quit or Failure to Comply with an FSET assignment – a sanctioned individual may not reestablish eligibility until the sanction is cured, or he/she qualifies for one of the food stamp work registration exemptions

June 12, 2001

ACIN I-46-01 provided information relating to the handling of various types of payments when determining food stamp household and CalWORKs assistance unit eligibility and benefit amounts.

- Ricky Ray Hemophilia Relief Fund Act – compassionate payments to individuals with blood-clotting disorders such as hemophilia is excluded as income/resource when determining eligibility and benefits
- Nutrition Assistance Program (NAP) – when a household moves from an area with a NAP (i.e., Puerto Rico, American Samoa, or Commonwealth of the Northern Mariana Islands), the dollar amount of benefits is included as unearned income when determining food stamp and CalWORKs eligibility and benefits amounts
- Family Subsistence Supplemental Allowance (FSSA) – the Defense Authorization Act of 2001 pays certain service members and their families FSSA of not more than \$500 so they will not rely on food stamps; the amount of FSSA is treated as unearned income when determining food stamp and CalWORKs eligibility and benefit amounts, and households are not prohibited from receiving benefits from FSSA and FSP simultaneously

June 19, 2001

ACIN I-49-01 provided information on changes made to the Noncitizen Eligibility and Certification Provisions, final federal regulations, issued to CWDs as draft emergency regulations in ACL 01-24.

- Amendments to regulations for final rule on noncitizen Eligibility and Certification Provisions of PRWORA – effective June 1, 2001

July 26, 2001

ACIN I-61-01 provided CWDs with information on the Social Security Administration (SSA) COLA interim increase effective August 1, 2001.

- Error in calculation of SSA benefits – the 3.5% COLA effective December 2000 (paid in January 2001) was one-tenth of 1% below what it should have been; lump sum retroactive payments will be issued to SSA recipients impacted by this change
- Food stamps – retroactive payments must be excluded as income, but counted as a resource in the month received

August 10, 2001

ACIN I-67-01 provided CWDs with information regarding the removal of the termination date for CFAP eligibility for certain legal noncitizens entering the U.S. on or after August 22, 1996.

- Noncitizens eligibility for food stamps – limited period of eligibility (to end September 30, 2001) has been extended; CFAP benefits will continue indefinitely for new applicants and current recipients

October 4, 2001

ACIN I-82-01 provided CWDs with questions/answers regarding food stamp program policy submitted by the County Welfare Directors Association's Technical Review Team. The questions/answers were separated into seven categories:

- Certification Periods
- Final Notices of Action (NOAs)
- Telephone Standard Proration
- Mail Recertification, Phone Interviews
- Special Payments
- Income
- Vehicle Valuation

October 4, 2001

ACIN I-83-01 transmitted final regulations amending the CalWORKs WTW and Food Stamps programs, and implementation of a Simplified Food Stamps Program (SFSP) in California. Amended sections:

- 18 month and 24 month time limits
- WTW participation requirements
- WTW activities
- Work registration requirements

January 8, 2002

ACIN I-01-02 transmitted the Temporary Notice of Action 1230 (TEMP NA 1230) for approval of retroactive payments under the Child Citizenship Act of 2000. ACL 01-81 provided information and instruction on this new law and how it affects the CalWORKs and Food Stamp programs.

- TEMP NA 1230 – CWDs were instructed to begin using the new form immediately

January 8, 2002

ACIN I-02-02 provided CWDs with revised average monthly figures for the 15% ABAWD food stamp work requirement exemption for Federal Fiscal Year 2002. Counties were encourage to utilize the 15% ABAWD exemption criteria identified in the 2002 FSET plan as there is no financial penalty to the State or counties for under-utilizing or over-utilizing the 15% exemption.

- Food stamp sanctions and the 15% exemption – an individual sanctioned for voluntarily quitting a job or failing to comply with an FSET assignment may not reestablish eligibility until the sanction is cured, or he/she qualifies for one the food stamp work registration exemptions; the 15% exemption cannot be granted until the sanction is cured

January 11, 2002

ACIN I-04-02 provided questions/answers raised by the Food Stamp Committee's Technical Review Team and other county staff. Questions related to the following issues:

- ABAWD work requirements
- Unemployment compensation
- Unreasonable distance from FSET work/training sites
- Job search requirements
- Food stamp sanction rules and WTW time limits

- Curing food stamp sanctions
- Voluntary withdrawal of food stamp applications

January 14, 2002

ACIN I-03-02 provided CWDs with questions/answers regarding Food Stamp Program policy submitted by the County Welfare Directors Association's Technical Review Team. The issues related to:

- Foster Care Wraparound Services Program
- Self-employment income
- Homeless clients in shelters that provide meals
- Section 8 Housing
- Overissuances (establishing claims and calculating claims)

January 18, 2002

ACIN I-05-02 provided information to CWDs on the treatment of household composition when military personnel is deployed.

- Military deployment – treatment of an absent household member is unchanged; when absent family member is not living at home, he/she will NOT be considered a part of the household for food stamp purposes

January 23, 2002

ACIN I-97-01 addressed concerns regarding lack of participation in the Food Stamp Program by eligible persons in noncitizen families.

- TEMP 2198 and poster (Pub 373) – informed noncitizens that the use of food stamps would not affect their immigration status or the immigration status of their family
- Option for noncitizens to exclude themselves from household – applies only to non-assistance food stamp (NAFS) households; option is not available in CalWORKs which is a public benefit subjecting noncitizens to the “public charge” rules

January 23, 2002

ACIN I-06-02 provided clarification regarding calculating a food stamp overissuance when there is also a CalWORKs grant overpayment.

- CalWORKs grant amount received is counted as income – should be subtracted from the amount of food stamps the household actually received to determine the amount of the food stamp overissuance

February 14, 2002

An ERRATA was issued to transmit a corrected copy of the PUB 373 poster, Important Food Stamp Information for Noncitizens.

- PUB 373 poster – contains corrected language and replaces two earlier versions released

February 20, 2002

ACIN I-13-02 informed counties of the increase in the state minimum wage, and explained the impact of this increase on Food Stamp Employment and Training (FSET) participation requirements.

- State minimum wage – \$6.75 per hour effective January 1, 2002
- Federal minimum wage – \$5.15. per hour
- Calculating hours of participation in FSET work component – state minimum wage should be used because it is higher than federal minimum wage

February 27, 2002

ACIN I-14-02 provided clarification regarding the handling of child support arrearages as an allowable deduction in the food stamp budget. Legally obligated child support payments paid by a household member to or for another non-household member are deductible.

- Arrearages paid by a food stamp household member for children now in the home – deductible, under certain provisions as specified in ACIN
- Arrearages paid by a food stamp household member to another household member when the member returns to the home – NOT deductible because the parent is now a household member; see ACIN for specified provisions
- Arrearages paid to a food stamp household member by another household member – NOT deductible, however, the arrearages should not be counted twice in the household; see ACIN for specified provisions

March 14, 2002

ACIN I-17-02 provided counties with questions and answers (and example scenarios) relating to new vehicle regulations effective June 1, 2001. Questions related to the following specific issues:

- Definition of a vehicle
- Criteria for when a vehicle would need to be evaluated
- Vehicle registration expiration during certification period
- Non-operative and licensed/unlicensed vehicles
- Leased vehicles
- Boat value evaluation sources
- Jointly owned vehicles
- Encumbrances
- Multiple vehicles and equity exclusion
- Salvage title vehicles
- Mileage (actual vs. estimate)

April 3, 2002

ACIN I-26-02 shared information from the Governor's Fiscal Year 2002/03 proposed budget for the Food Stamp Employment and Training (FSET) Program. Funding for FSET is comprised of federal, county, and state funds and provides job search assistance, work experience, vocational training, basic education, and support services to eligible non-cash assistance food stamp recipients.

- Governor's 2002/03 proposed budget – would eliminate State General Fund contributions to FSET

April 4, 2002

ACIN I-25-02 provided counties with questions/answers regarding Food Stamp Program policy. Questions related to following specific issues:

- Income averaging
- Income vs. resources and regularly received payments
- Adding new household member, failure to provide necessary information
- Parolees and qualified noncitizens

April 24, 2002

ACIN I-30-02 provided additional clarification regarding categorical eligibility (CE) status and the Food Stamp Program (FSP). Questions and answers related to CE as it applies to food stamp households that contain CFAP members.

- Household in which all food stamp eligible members are authorized to receive public assistance benefits – CE for food stamps
- Ineligible noncitizens – combined food stamp households contain participants of the federal FSP and CFAP; CE cannot be established when the household contains members who are not federally eligible
- Temporary Assistance for Needy Families (TANF) or a state-funded program – CE factors do not need verification for the food stamp household because they were already verified in the public assistance process; even if a household cannot be CE, the TANF verification can still be used to determine eligibility for food stamps
- Budgeting – combined CFAP and federal allotments cannot exceed what a single federal allotment would be if all household members were federally eligible

June 3, 2002

ACIN I-38-02 provided information regarding the 2002 Competitive Research Grants to Improve FSP Access. Grants of \$100,000 to \$350,000 should emphasize low-income families, former/current TANF recipients, veterans, the elderly, immigrants, and non-English speaking minorities.

- Grant applications – submission deadline June 28, 2002 with grants awarded no later than September 30, 2002

June 28, 2002

ACIN I-46-02 provided questions/answers regarding food stamp policy in the following specific areas:

- Foster parents/children and dependent care exemption
- Verifying a claim of unfitness
- CalWORKs sanctions and dependent care exemptions
- Overissuances relating to ABAWD work requirements
- GA work sanctions and food stamp sanctions
- Good cause criteria for voluntary quit

July 22, 2002

ACIN I-52-02 provided counties with questions/answers regarding Food Stamp Program policy in the following specific areas:

- Establishment and calculation of potential overissuances
- Noncitizen eligibility and expired I-551 cards
- Drug and alcohol facilities and shelter deductions
- Budgeting households with ineligible noncitizens and eligible noncitizens
- Budgeting households with combined (state/federal) and federal-only income and shelter costs

July 25, 2002

ACIN I-56-02 advised counties of immediate mandatory changes to the FSP as a result of the Food Stamp Reauthorization Act of 2002, part of the Farm Bill of 2002.

- Standard deduction for households of four and under – no change
- Standard deduction for households of five – increased to \$147
- Standard deduction for households of six and over – increased to \$168
- Legal noncitizens – federal benefits restored to three categories
- Resource limit for households with disabled member – increased to \$3,000

July 31, 2002

ACIN I-57-02 transmitted copies of forms, Notices of Action (NOAs), and their instructions to be used in the CalWORKs FSP Electronic Benefits Transfer (EBT) project. Counties were instructed to begin using the forms as

soon as they begin using the EBT system. Forms were revised to replace the references to “coupons” with “benefits.”

- NOA Messages – M16-105 (EBT Immediate Need Approval), M16-120A (EBT Dormant Account), M16-120B (EBT Dormant Account/Suspend), M16-120C (EBT Dormant Account/reactivate), M16-215 (EBT Cash Aid Availability), M16-325A (EBT Exemption Approval), M16-325B (EBT Exemption/Additional Facts), M16-325C (EBT Exemption Denial), M16-505A (Approve requested DAC), M16-505B (DAC/Additional Facts), M16-505D (DAC request Denial), and M16-701 (EBT Adjustment Advice)
- Forms – TEMP 2201 (Request for DAC/AR), TEMP 2202 (EBT Service Request), TEMP 2203 (EBT Exemption Request), TEMP 2205 (EBT Client Claim), TEMP 2215 (EBT Important Information), NA 1233 (EBT Adjustment Advice Template), and TEMP NA 1232 (Food Stamp EBT Notice)

September 16, 2002

ACIN I-67-02 provided examples of county best practices in preparing CalWORKs recipients as they approach their 60-month time limit in January 2003. Materials attached to the ACIN included fliers sent to clients as well as reminders to county staff. Counties were encouraged to refer time-out recipients to services offered by California Workforce Investment Act One Stop Centers, the California Job Order Browse System, and community-based organizations, including faith-based, to identify and obtain the services they need.

- Attachment A – County strategies to Prepare Participants for Time Limits, Survey and Responses to County Survey, and Strategies for Time Limits
- Attachment B – County Practices (Alameda, Los Angeles, Orange, and Sacramento) in approaching CalWORKs 60-month time limit
- Attachment C – Checklist for approaching 60-month time limit

September 23, 2002

ACIN I-70-02 provided clarification to counties regarding the treatment of AmeriCorps VISTA and other AmeriCorps payments in the CalWORKs Program. Confusion occurred, in part, because of federal restructuring in 1994 when the name “VISTA” was changed to AmeriCorps VISTA.

- VISTA (AmeriCorps VISTA) payments – are exempt as income for CalWORKs eligibility and cash aid determination purposes
- Other AmeriCorps payments (AmeriCorps State/National, AmeriCorps National Civilian Community Corps, etc.) – are not exempt from consideration as income

September 24, 2002

ACIN I-72-02 informed CWDs of a change in policy regarding the reporting of vendor payments by food stamp households.

- Reporting vendor payments – Effective May 1, 2002 food stamp households were no longer required to report vendor payments, however, CWDs would still be responsible for acting on reported changes

November 4, 2002

ACIN I-82-02 advised counties as to the Social Security COLA effective December 1, 2002.

- Social Security recipients benefits increase – 1.4% COLA
- CalWORKs and food stamp monthly reporting cases – COLA must be reported on the January 2003 CW7, and retrospectively budgeted to determine grant/allotment amounts for March 2003; COLA considered prospectively when determining income eligibility for January 2003
- Food stamp non-monthly reporting cases – CWDs are required to automatically adjust food stamp allotments to reflect the COLA no later than the second allotment issued after the month in which the change becomes effective

- New applicants (CalWORKs and food stamps) – the actual amount of the Social Security benefits including the increase shall be used for prospective eligibility and budgeting purposes for the month of January
- Overissuance of food stamps – no household shall be held liable if there is a CWD misapplication of the 1.4% increase
- Underissuance of food stamps – a household will be entitled to a restoration of lost benefits if there is a CWD misapplication of the 1.4% increase

November 22, 2002

ACIN I-85-02 provided counties with questions/answers regarding the Food Stamp Program. The questions were categorized into five areas:

- Budgeting (shelter deduction)
- Budgeting (standard telephone allowance)
- Household composition
- Treatment of income
- Reporting of vendor payments

December 9, 2002

An ERRATA was issued relating to ACIN I-46-02 and voluntary quit sanctions. The response to question 8 of ACIN I-46-02 needed revision.

- Non-assistance food stamp recipients fired from a job – voluntary quit requirements do not apply unless the CWD demonstrates that the person deliberately caused the firing in order to increase the household's food stamp allotment

December 20, 2002

ACIN I-95-02 provided information to CWDs relating to implementation of the CalWORKs 60-month time limit and Safety Net program. The ACIN reiterated/clarified existing program requirements for:

- Tracking recipients time on aid
- Calculation of grants for timed-out recipients
- Optional voucher/vendor payments for Safety Net cases
- State hearings – aid paid pending
- Time limit extender exceptions
- Eligibility for other program benefits (i.e., food stamps, Medi-Cal, Welfare-to-Work grants, General Assistance, and child care)

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